IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 13078 of 1999

Between:

M.J.Mitra, S/o.sri Venkatasubbaiah, ASI (M) CRPF Group Center, Ranga Reddy District. Secunderabad.

..... PETITIONER

AND

1. Dy.Inspector General of Police CRPF., Chandrayanagutta, Hyderabad-500 005.
2. Additional Dy.Inspector general of police Group Center, CRPF., Jawaharangar, Hakimpet, Hyderabd-500 078.
3. Sri Satpal rawat, Enquiry officer and 2 i/C, 32., CRPF., Chandrayanagutta, Hyderabad-500 005.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus declaring the action of the respondents in not providing defence assistant to the petitioner in the departmental enquiry as illegal, arbitrary, against the principles of natural justice and against the provisions of Articles 14 and 21 of the constitution of India and consequentially direct the respondents to provide the defence assistant to the petitioner during the departmental enquiry.

Counsel for the Petitioner:MR.P.V.S.S.S.RAMA RAO.

Counsel for the Respondents: MR.KANTHI NARAHARI.

The Court made the following :

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THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION NO.13078 OF 1999

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ORAL ORDER:

The only grievance of the petitioner is that he was allowed to take the assistance of the defence assistant to assist him in the domestic enquiry conducted by the management and thereafter the defence assistant was withdrawn rather disallowed to defend the petitioner in the domestic enquiry, without there being any notice or objection in writing in this regard. Aggrieved by the same present writ petition is filed.

The learned counsel for the respondents strenuously contends that as per Rule-27 of the C.R.P.F. Rules, no defence assistant can be provided in the domestic enquiry conducted by the C.R.P.F. On the other hand, the learned counsel for the petitioner states that Rule-27 r/w Rule 102 of the Rules would make it clear that for the purpose of conducting a detailed enquiry, they may have to revert back to the CCS (CCA) Rules, and wherever there is no provision in the CRPF Rules, the rules applicable to other Central Government employees have to be followed. He also submits that as per Rule 14(8) (b) of CCS (CCA) Rules a defence assistant has to be provided to the delinquent in the domestic enquiry conducted by a department. Further, there is no necessity to add any case law in this matter, since the law is well settled that a delinquent employee is entitled to be defended by a defence assistant in the domestic enquiry if not an advocate.

Under those circumstances, I am of the considered opinion that withdrawal of the defence assistant of the petitioner from defending the petitioner in the domestic enquiry of the respondent is arbitrary, illegal and the respondent authorities are

directed to permit the petitioner to take the assistance of the defence assistant and proceed ahead with the case in accordance with law.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.Ramulu, J

21st June 2005.

mrk

To

1. The Dy.Inspector General of Police CRPF., Chandrayanagutta, Hyderabad-500 005.

2. The Additional Dy.Inspector general of police Group Center, CRPF., Jawaharangar, Hakimpet, Hyderabd-500 078.

3. Two CD copies.

4. Sri Satpat Rawat, Enquiry Officer and Wi/C, 32, CRPF., Chandrayanagutta, Hyderabad –500 005.